

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Trevor Hackett	Team: Squad #13	CCRB Case #: 201908631	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 09/27/2019 8:30 PM	Location of Incident: BJ's Wholesale Club (339 Gateway Drive)	Precinct: 75	18 Mo. SOL 3/27/2021	EO SOL 11/11/2021	
Date/Time CV Reported Tue, 10/01/2019 12:43 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 10/01/2019 12:43 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Ahmad Brannon	08620	936238	069 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Ahmad Brannon	Abuse: Police Officer Ahmad Brannon stopped § 87(2)(b)	
B.POM Ahmad Brannon	Force: Police Officer Ahmad Brannon used physical force against § 87(2)(b)	
C.POM Ahmad Brannon	Abuse: Police Officer Ahmad Brannon threatened § 87(2)(b) with the use of force.	
D.POM Ahmad Brannon	Discourtesy: Police Officer Ahmad Brannon spoke discourteously to § 87(2)(b)	
E.POM Ahmad Brannon	Abuse: Police Officer Ahmad Brannon took photographs of § 87(2)(b)	
F.POM Ahmad Brannon	Abuse: Police Officer Ahmad Brannon failed to provide § 87(2)(b) with a business card.	

### **Case Summary**

On October 1, 2019, § 87(2)(b) called the CCRB and filed this complaint.

On September 27, 2019, at approximately 8:30 p.m., as § 87(2)(b) exited BJ's Wholesale Club, located at 339 Gateway Drive in Brooklyn, she was stopped by PO Ahmad Brannon of the 69<sup>th</sup> Precinct (**Allegation A – Abuse of Authority**, § 87(2)(g)). PO Brannon pulled § 87(2)(b) back to the store entrance (**Allegation B – Force**, § 87(2)(g)) and said, "I'm going to knock you the fuck out" (**Allegation C – Abuse of Authority**, § 87(2)(g)). (**Allegation D – Discourtesy**, § 87(2)(g)). § 87(2)(b) was told that her bag needed to be checked and she refused. PO Brannon took photos of § 87(2)(b) (**Allegation E – Abuse of Authority**, § 87(2)(g)). PO Brannon allowed § 87(2)(b) to leave the store. PO Brannon did not provide § 87(2)(b) with a business card (**Allegation F – Abuse of Authority**, § 87(2)(g)). No summons or arrest resulted from this incident.

Security camera footage from BJ's Wholesale Club was obtained and can be found in IA #46 (**Board Review 01**). The summary of this footage is located in IA #48 (**Board Review 02**). There is no other video evidence in this case.

### **Findings and Recommendations**

**Allegation A – Abuse of Authority, Police Officer Ahmad Brannon stopped § 87(2)(b)**

**Allegation B – Force, Police Officer Ahmad Brannon used physical force against**

§ 87(2)(b) testified that she purchased a frozen pizza at BJ's Wholesale Club. As § 87(2)(b) left the store, an employee checked her receipt. As she walked through the corridor which led to the parking lot, § 87(2)(b) heard someone say "Miss, Miss." § 87(2)(b) did not know who it was and did not believe the person was speaking to her as the corridor was crowded. When § 87(2)(b) reached the parking lot, PO Brannon grabbed her upper right arm and said that he had been calling her to get her attention, but she had ignored him. PO Brannon told § 87(2)(b) that she needed to have her bag checked. § 87(2)(b) told PO Brannon to release her arm. § 87(2)(b) pulled her arm away from PO Brannon causing him to release his grip. PO Brannon grabbed § 87(2)(b)'s tote bag and pulled § 87(2)(b) back to the front of the store by her bag (**Board Review 03**).

PO Brannon testified that he was working a paid security detail and standing near the security lanes at the front of the store. BJ's Wholesale Club has a policy that requires customers, upon exiting the store, to have their receipts and personal bags checked by a security officer. While exiting the store, § 87(2)(b) passed through the middle security lane without having her bag checked. A security officer called § 87(2)(b) to get her attention, but § 87(2)(b) continued walking. The security officer told PO Brannon that § 87(2)(b) had walked past her without letting her check § 87(2)(b)'s bag, and directed PO Brannon to stop and bring § 87(2)(b) back to the front of the store. The security officer and PO Brannon called § 87(2)(b) several times, but she did not respond. When § 87(2)(b) reached the front doors of the store, she turned around and faced PO Brannon. PO Brannon asked if she had heard him or the security officer calling her. § 87(2)(b) said that no one was going to check her bag and began cursing at PO Brannon. PO Brannon told § 87(2)(b) that in accordance with store policy, she needed to have her bag checked before she left. § 87(2)(b) turned her body, moved her bag away from PO Brannon, and reached into it. PO Brannon was not sure what § 87(2)(b) was reaching for and grabbed her bag out of concern for his safety. PO Brannon pulled § 87(2)(b) to the front of the store by her bag. § 87(2)(b) attempted several times to reach into her bag, and each time, PO Brannon pulled her bag downward to prevent her from reaching into it (**Board Review 04**).

Security footage from BJ's Wholesale Club shows, at 01:24 on the media player, visible at the bottom of the screen, a black woman carrying a frozen pizza box, identified by the investigation as § 87(2)(b) approaches the employee in the middle exit lane. The employee checks her receipt, but not her bag. § 87(2)(b) walks towards the exit of the store and the employee calls out to her. The employee notifies PO Brannon, who follows § 87(2)(b) out of frame. At 02:30, PO Brannon pulls § 87(2)(b) to the front of the store by the strap of her bag.

According to its membership terms, BJ's Wholesale Club reserves the right to inspect any bag, backpack, briefcase or container upon entry or exit (**Board Review 05**). NYPD Patrol Guide, Procedure 221-01 states that force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances (**Board Review 06**).

§ 87(2)(g)  
[REDACTED]

**Allegation C – Abuse of Authority, Police Officer Ahmad Brannon threatened § 87(2)(b) with the use of force.**

**Allegation D – Abuse of Authority, Police Officer Ahmad Brannon spoke discourteously to § 87(2)(b).**

§ 87(2)(b) testified that while PO Brannon pulled her to the front of the store, she clenched her fist at the side of her body and told PO Brannon to let go of her bag or she would hit him. PO Brannon said, "I'm going to knock you the fuck out." PO Brannon's testified that when informed that she needed to have her bag checked, § 87(2)(b) clenched her fist, "flinched" several times at PO Brannon, and threatened him by saying "I'll lace you." PO Brannon said, "I wish you would." PO Brannon did not recall saying, "I'm going to knock you fuck out."

The security footage of the incident has no audio.

§ 87(2)(g)  
[REDACTED]

**Allegation E – Abuse of Authority, Police Officer Ahmad Brannon took photographs of § 87(2)(b).**

§ 87(2)(b) testified that she refused to have her bag checked and told a manager to check the security cameras to prove that she did not steal anything. While § 87(2)(b) and PO Brannon waited at the front of the store, § 87(2)(b) took several photos of PO Brannon while they were waiting. PO Brannon that if she was going to take photos of him, he would take photos of her, and he took photos of § 87(2)(b) on a cell phone.

§ 87(2)(b) provided a photo she said she took during this incident, of PO Brannon taking a photo of her on a cell phone (**Board Review 07**).



PO Brannon testified that § 87(2)(b) was yelling and cursing at him while they waited at the front of the store. § 87(2)(b) began recording PO Brannon on her phone. PO Brannon has an NYPD-issued iPhone and a personal Android cell phone. PO Brannon took out his department issued iPhone and pointed it at § 87(2)(b) to deter what he described as her “belligerent” behavior, but denied taking photos of § 87(2)(b) and noted that he has difficulty using his department issued iPhone, specifically the camera feature. He did not recall recording § 87(2)(b).

An NYPD document request for photos taken by PO Brannon on his NYPD issued cell phone during this incident yielded negative results (**Board Review 07**).

In the BJ’s Whole security footage, at 24:55 on the media player, visible at the bottom of the screen, PO Brannon takes out a cell phone from his back pocket and points it at § 87(2)(b) for approximately 25 seconds. There is visible motion on the phone screen. PO Brannon’s thumb is positioned at the bottom of the screen and appears to be moving at different points during the approximate 25 seconds.

NYPD Operations Order 20 states that members of service are permitted, but not required, to use Department smartphones to photograph or video record any public interaction, regardless of context, that escalates and becomes adversarial. Members of Service are not permitted to use any other cellular telephone/smartphone/tablet (e.g., personal device, etc.) to conduct official Department business except under exigent circumstances i.e., in the event of an emergency (**Board Review 08**).

As discussed above within the analysis of Allegations C and D, § 87(2)(b) acknowledged threatening to hit PO Brannon. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) Though only the back of the cell phone case is captured, the circular hole in the case that allows the phone’s camera lens to be visible is centered on the top of the cell phone case, which is inconsistent with an iPhone, but consistent with an Android phone, § 87(2)(g). § 87(2)(b) Conversely, all iPhone models have camera lenses positioned at the top left corner of the phones (for stock photos of iPhone models, see **Board Review 09**). The NYPD document request for photos taken on PO Brannon’s department-issued iPhone during this incident was returned negative, § 87(2)(g).

§ 87(2)(g)

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§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation F – Abuse of Authority, Police Officer Ahmad Brannon failed to provide § 87(2)(b) with a business card.**

§ 87(2)(b) said that PO Brannon did not provide her with his business card during the incident. While PO Brannon and § 87(2)(b) waited for the manager to check the security cameras, two of § 87(2)(b)’s family members, § 87(2)(b) and § 87(2)(b) arrived (but after the other allegations were alleged to have occurred). § 87(2)(b) and § 87(2)(b) both stated that they did not see PO

Brannon provide § 87(2)(b) with a business card while they were at the location (**Board Review 10, 11**).

PO Brannon stated that he may have offered § 87(2)(b) his business card, but that if he did, she refused it. PO Brannon always carries his business card in his shirt pocket. PO Brannon could not recall at what point during the incident this may have happened. Security footage captures the entirety of the incident, with exception to PO Brannon initially stopping § 87(2)(b) but does not show PO Brannon hand anything to § 87(2)(b)

§ 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review 12**).
- PO Brannon has been a member-of-service for 15 years and has been a subject in four additional CCRB complaints and seven allegations, none of which were substantiated. ■

§ 87(2)(g)

#### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- As of January 24, 2020, § 87(2)(b) has not filed a Notice of Claim regarding this incident (**Board Review 13**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date